REMARKS

Claims 4-15 are pending in this application. Claims 13-15 have been added for the Examiner's consideration. Claims 1, 7 11 and 12 are independent. Reconsideration of this application, as amended, is respectfully requested.

Applicant appreciates the courtesies extended to Applicant's representative during the interview conducted with the Examiner and his supervisor on February 6, 2004. During the interview, the Examiner and his supervisor indicated that the foregoing amendments to the claims resulted in new issues and/or required an additional search by the Examiner.

Claim Rejections Under 35 U.S.C. § 102

Claims 4-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kasuya (U.S. Patent No. 5,930,054). This rejection is respectfully traversed.

Applicant respectfully submits that the prior art of record fails to teach or suggest each and every limitation of the unique combination of elements of the claimed invention of claims 4-12. Accordingly, this rejection should be withdrawn. Applicant respectfully submits that the Examiner is misinterpreting the Kasuya patent and/or ignoring expressed claim language that clearly distinguishes the claimed invention from the prior art of record.

Further, the Examiner's comments in the Advisory Action mailed on December 15, 2003 are respectfully traversed. Specifically, the Examiner has indicated that "The examiner acknowledges that Kasuya discloses components-namely wide-angle- and telephoto end point detecting means-which are not claimed in Applicant's claimed invention; however the examiner is unable to ascertain an unexpected result from the additional components. That is, Kasuya's position detecting device yields the same result." First, Applicant submits that the Examiner's reference to a test based on unexpected results is irrelevant to a rejection under 35 U.S.C. § 102. Further, Applicant submits that Kasuya's position detecting device clearly does not yield the same result as Applicant's claimed invention. Applicant's claims, arguments and specification clearly overcome this opinion advanced by the Examiner. Applicant submits that one of ordinary skill in the art after having "at least skimmed through the Kasuya patent" (see Examiner's comments in the December 15, 2003 Advisory Action) would determine that the Kasuya reference clearly does not anticipate the claimed invention.

With respect to claim 4, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of "an absolute position determiner for determining an absolute position of the subject within the movement range; wherein said position

determining device determines the position of the subject in accordance with data outputted from the absolute position determiner and said position determining device operates until the absolute position determiner detects the subject reaching a limit of the movement range; and *the reference point for determination of the relative position determiner is established at the limit of the movement range of the subject after the absolute position determiner detects the subject reaching the limit of the movement range*, and the position determining device determines the position of the subject in accordance with data outputted from the relative position determiner, *and upon activation of the positioning determining device, the position determining device obtains the absolute position of the subject within the movement range outputted from the absolute position determiner."* (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 7, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of "a storage device for previously storing standard output data of the absolute position determiner corresponding to a plurality of positions of the subject within the movable range, and previously storing standard output data of the relative position determiner corresponding to the standard output data of the absolute position determiner, the reference point for the standard output data of the relative position determiner being established at a

limit of the movement range of the subject; *wherein the position determining device obtains data outputted from the absolute position determiner upon being turned on and the position determining device then reads the standard output data of the relative position determiner corresponding to the obtained data outputted from the absolute position determiner from the storage device,* and *thereafter determines the position of the subject in accordance with data outputted from the relative position determiner with reference to the read standard output data of the relative position determiner.*" (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 11, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of "*operating said position determining device until the absolute position determiner detects the subject reaching a limit of the movement range, wherein the position determining device is turned on until the absolute position determiner detects the subject being at a limit of the movement range*; and *determining the reference point for determination of the relative position determiner at the limit of the movement range of the subject after the absolute position determiner detects the subject reaching the limit of the movement range, and determining the position of the subject in accordance with data outputted from the relative position determiner with the position determining device.*" (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 12, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of "previously storing standard output data of the relative position determiner corresponding to the standard output data of the absolute position determiner; *determining the reference point for the standard output data of the relative position determiner at a limit of the movement range of the subject; obtaining data outputted from the absolute position determiner with the position determining device upon the position determining device being turned on;* reading the standard output data of the relative position determiner corresponding to the obtained data outputted from the absolute position determiner from the storage device with the position determining device, *and determining the position of the subject in accordance with data outputted from the relative position determiner with reference to the read standard output data of the relative position determiner.*" (emphasis added) Accordingly, this rejection should be withdrawn.

The Examiner has alleged that Kasuya includes an absolute position determiner and a relative position determiner. However, Applicant submits that even if Kasuya were interpreted to include an absolute position determiner and a relative position determiner as alleged by the Examiner, these devices are not utilized to control a lens in the same manner as specifically claimed in the claimed invention, e.g., the claimed invention clearly switches between the absolute

position determiner and the relative position determiner in a manner different than that alleged by the Examiner.

Kasuya teaches that the lens 14 is automatically driven in accordance with the signal outputted by the alleged absolute position detecting means when the power supply turns on, so that the relative position detecting means is initialized (Fig. 2 Col. 4 line 59 through Col. 6, line 32). Kasuya clearly includes a movement sequence for automatic initialization. In particular, the initialization process associated with the lens drive is essential in Kasuya, i.e., before the initializing process is completed, the lens cannot be operated from the lens operation member 11. (see Col. 6 lines 39-49, and element S30 of Fig. 2).

In contrast, the claimed invention is intended to eliminate the necessity of initialization when the device is turned on (see Applicant's specification Page 2 lines 13-14). In particular, the device can be operated when the power supply is turned on, and/or it is not necessary to perform the initialization process associated with the lens drive of Kasuya. This result is clearly different from Kasuya and is clearly described by Applicant in the claimed invention. Accordingly, the rejection based upon the Kasuya reference is improper and should be withdrawn.

In order to clarify the claimed invention for the benefit of the Examiner, claim 4 has been amended to further emphasize the differences between the

claimed invention and the essential initialization process of Kasuya. Further, additional claims 13-15 have been added to further define how the initialization process of Kasuya clearly cannot be interpreted to read on the claimed invention.

Upon turning on of the lens control unit, e.g., upon activation, the position determining device obtains data outputted from the absolute position determiner (the absolute position of the subject at this point) and determines whether the position of the subject indicated by data is at a limit of the movement range.

Therefore, when the position indicated by the data is not at the limit of the movement range, the position of the subject is determined with reference to the data outputted from the absolute position determiner without performing the initializing process of the relative position determiner associated with the drive of the subject. The position determining device of the claimed invention determines the position of the subject with reference to the data outputted from the absolute position determiner only until the limit of the subject is detected by the absolute position determiner. Once the absolute position determiner detects the limit of the subject, the relative position determiner is initialized with respect to the limit of the subject. Thereafter, the position, determining device determines the position of the subject with reference to the data outputted from the relative position determiner.

Alternatively, when the position indicated by the data is at the limit of the movement range, the relative position determiner is initialized with respect to the limit of the subject, and then, the position determining device determines the position of the subject with reference to the data outputted from the *relative position determiner.* Applicant submits that these distinctions, including the additional features of claims 13-15, are fully supported by the original written description, including, but not limited to the page 8, line 17 through page 9, line 7 of the present application.

Applicant submits that Kasuya clearly does not function or provide the results of the claimed invention. When the claimed device is turned on, the position determining device obtains the data outputted from the absolute position determiner. When the position of the subject is not at the limit, the absolute position determiner is used until the limit is detected. Upon detection of the limit, the relative position determiner can detect the position of the subject. The relative position determiner is only used when the position of the subject is at the limit of the range upon being activated.

With respect to claims 7, 11, and 12, the *absolute position is detected by the absolute position determiner upon activation* in the claimed invention. The position determining device determines the position of the subject in accordance with the detected absolute position and the corresponding data stored in the storage

device, e.g., without moving the subject to the limit and initializing the drive. Therefore, the initialization process that is required for Kasuya, is clearly not required in the present invention and has been purposefully avoided in some aspects to simplify the operation of the claimed invention under certain operating conditions.

In accordance with the above discussion of the patents relied upon by the Examiner, Applicant respectfully submits that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

Accordingly, reconsideration and withdrawal of the claim rejection are respectfully requested. Moreover, Applicant respectfully submits that the instant application is in a condition for allowance.

As to the dependent claims, Applicant respectfully submits that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

#40,439

By _____

Marc S. Weiner
Reg. No. 32,181
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

MSW/MTS/cl